



The Docket

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THE DOCKET

Vol. XIX, No. 5

THE VILLANOVA SCHOOL OF LAW

February, 1983



BALSA members Karen Spencer Kelly and James Davis.

Heritage Celebration

Lift every voice and sing,
Till earth and heaven rings,
Rings with the harmony of liberty.
Let us rejoicing rise,
Up to the highest skies.
Let us march on
'Til victory is won.

Sing a song,
Full of the faith that the dark past has
taught us.
Sing a song,
Full of the hope that the present has
brought us.

— **Black National Anthem** —
James Welden Johnson

February is Black history month. Members of V.U.'s BALSA would like to express how Black history influenced their decision to pursue a legal education and how they plan to contribute to the underlying principles of the Black struggle in their prospective legal careers. Although there is great diversity among the members' individual personalities, there is strong solidarity in the sharing of principles.

G. Elaine Smith, a 2nd year student responded as follows: "Although the speeches and the marches have been responsible for focusing attention on the needs and struggles of Black Americans, it has been, and I believe will continue to be the NAACP Legal Defense Fund, ACLU and other legal advocates who have made the civil rights gains legal and lasting. There is a direct need for more and more effective Black Lawyers in all areas of the law.

I am specifically interested in the area of labor law. There are a large number of Black laborers but few Black labor lawyers. The handwriting on the present political walls indicates that labor gains for Black and other minorities are becoming more difficult to obtain and to retain. I hope to be one of those on the inside of the legal process helping to facilitate these matters."

James Davis, Co-chairman of BALSA, re-

sponded as follows: In my continuing effort to acquire an education which will enable me to make a worthwhile personal and professional contribution to the community at large, I decided to pursue a legal education.

Black history plays an essential role in my everyday existence. African people in America must be educated for a purpose: the advancement of our race in a racist society. We must never forget the tragic cries of slavery that echo loudly in today's society. We must be aware of the sacrifices that have been made to survive in a country that justified legal discrimination, based solely on the matter of one's color.

There is not enough time, nor enough in general has played in my decision to pursue a legal education. However, I can think of a few motivating forces off the top of my head:

Frederick Douglass, Esq., Jacob Lawrence, Venture Smith, Olavdah Equiano, Absalom Jones, Richard Allen, Jacob Nicholson, Jupiter Nicholson, Job Albert, Thomas Prichett, Nat Turner, James W.C.

(Continued on page 5)

Head Hunting Goes On

By MARIA VENTRESCA

The process of selecting the new Dean for Villanova Law School appears to be moving at a slow but steady pace. The first stage of this selection process started in the fall when the Faculty Screening Committee began its efforts to communicate the availability of the position to all of those who may be interested and who are qualified for the position.

Steps taken by the committee to advertise the position of Dean included placing advertisements in journals such as the American Bar Association Journal, writing to the Dean of each law school in the country requesting that he or she inform the school's faculty members of the position, and writing to the Board of Legal Consultants and asking for suggestions of possible nominees. The outcome of these steps is a list of 35 to 40 nominees who are presently being considered for the position.

Members of the faculty committee have met with some of the individuals on the list at the Law School, and have recently met with about 10 nominees at an American Law School Association Conference which took place in Cleveland during the first week of January. There are individuals on the list who have not been interviewed and may not be interviewed because they are not being seriously considered.

Professor Dowd, Chairman of the Faculty Committee, states that he is very pleased with the amount of interest that has been shown in the position. He believes that the favorable response to Villanova's search for a Dean is especially significant in view of the fact that about a quarter of the country's law schools are presently looking for a new Dean and as a result the market for qualified persons is rather tight.

Most of the nominees on the list are academics. Only a few on the list are practi-

College Work Study

Money Deadline Nears

By Susan Escott

There's more to financial aid than simply receiving grants or loans. You can earn money and valuable work experience in the College Work Study (CWS) Program. In fact, jobs which might normally call for academic excellence or a network of contacts can be obtained with relative ease if a student qualifies for CWS funding through the federal government.

Who qualifies?

To qualify for CWS funding, a student must merely demonstrate financial need; there is no requirement of academic excellence, according to Sandy Mannix, Director of VLS Financial Aid Office. Mannix suggested that a good indication of demonstrated need is that a student has qualified for a full \$5,000.00 Guaranteed State Loan (GSL).

Although the fact that a student has received such a loan is a good indication of financial need, it does not guarantee a CWS award. It is possible to be needy and not receive a CWS award Mannix explained, since federal funds are limited.

How do you file for a CWS?

An interested student must file the appropriate financial aid forms available at Kennedy Hall, showing that he or she is interested in receiving CWS funding. These must be filed in complete form by March 15, 1983 for the summer of 1983 and the 1983-84 academic year. Any student who does not meet that deadline will not be considered for CWS funds until all other "early" means being put on a waiting list Mannix warned, stressing the importance of filing on time.

Susan Levin, Coordinator for the Villanova University CWS program agreed that meeting the deadline is crucial. "Students on the waiting list will be awarded funds only if funding is available. Being on the waiting list does not guarantee that students will be awarded CWS funds," she added.

Who are the potential employers?

The range of possible CWS employers is vast since a student's CWS award may be applied to a wide range of non-profit organizations and government jobs. According to Mannix, "VLS prides itself on giving valuable work experience to its law students."

There is a target listing of organizations and agencies that CWS students may contact for employment, but a student is not limited to this listing. He or she may also elect to submit an organization's name to the financial aid office for certification; the organization need only be non-profit and



Sandy Mannix

willing to hire the student on CWS terms. This usually is not a barrier, but a stepping stone to employment. Under CWS, the government pays 80% of the student's salary which is a real drawing card in an other-

Unpleasant Points

by Karl Scheuermann
and Gina Vogel

(First of a two-part report)

Have you ever taken a trip down the Delaware River in an inner tube with your feet hanging over the side, floating from the Upper Black Eddy down to Point Pleasant? If you have, then the recent controversy surrounding the Point Pleasant water diversion project may be of interest. Environmentalists, engineers, and even law students have focused their attention on the once-quiet area of historic Bucks County.

The Point Pleasant project will not only pump water to the Limerick Nuclear Power Plant now under construction, but will also divert 95 million gallons per day (mgd) to the Bradshaw reservoir in Bucks County, two and a half miles away. From there, the Philadelphia Electric Company (PECO) will pump 46 mgd into the Perkiomen Creek. The water will flow down the creek into a PECO pumping station which will pump the water as needed into the cooling towers of the Limerick plant.

The other 49 mgd will be used by the Neshaminy Water Resources Authority (NWRA) to service nearby Bucks and Montgomery County communities. Their water will be pumped into the Neshaminy Creek to the Lake Galena and Pine Run reservoirs, and from there into the North Branch Water Treatment Plant.

How much is 95 mgd? "Not a significant amount," according to David Brooman, an attorney for the NWRA and a Villanova graduate. "Most of the water diverted eventually returns to the Delaware, resulting in very little actual consumptive loss," Brooman asserts.

Why pump any water from the Delaware River? The Limerick Nuclear Plant is located on the Schuylkill River, but temperature restrictions placed on Schuylkill water make it cost efficient to pump water directly from the Delaware. The 49 mgd pumped from Point Pleasant will serve as both a primary and secondary water source, according to Brooman. Limerick will draw on the water diverted into the Perkiomen Creek for its cooling towers.

(Continued on page 4)

THE DOCKET
VILLANOVA LAW SCHOOL
VILLANOVA, PA. 19085

Non-Profit Organization

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The EDITORIAL

Financial Penalties

With financial aid deadlines creeping up, the problem of bureaucracy at the Bursar's Office comes to mind. A recurring example of this bureaucracy is the University's failure to consider the students' need for a flexible tuition deadline. A tuition deadline certainly serves the University's budgetary goals and makes their financial operations more efficient. However, expediency cannot justify the unnecessary burden the University places on the students requiring financial aid.

A case on point is the December 15, 1982, deadline for law school tuition payment. Using a standard procedure, most banks made their second disbursement of student loans late in December of 1982 or in January of 1983. One bank guaranteed disbursement by the December 15 deadline. The bank "performed" on its guarantee and

William Butler Yeats once complained that newspapers take the imagination out of the world. Alas, the great poet never got to read *The Docket* under the editorship of Dave Eddy. Double entendre headlines, colorful editorials and occasionally nonsensical photo captions

students received their checks at 4 p.m. on December 15.

These and other less affluent students were subject to the University penalties for failure to pay tuition on time. Some had to pay a \$25.00 late fee, and some returned early from Christmas break to be allowed a deferment of their tuition payment. Others paid the tuition on time and borrowed money to live on, or managed to live without money, while waiting for the bank's disbursement.

These University penalties place an unnecessary financial hardship on the students who are the least able to carry this burden. The University is in a much better financial position than the students to float funds during these periods. Why not tie tuition deadlines to loan disbursements?

are all Eddy trademarks. But beyond these touches of flair, *The Docket* has become a stronger and better paper under Dave's leadership. We who inherit your blue pencil with this issue say thanks, Dave. And we promise to keep improving.

Dear Editor:

I would like to comment upon the editorial in the last issue of *The Docket*. The editorial, entitled "Professional Responsibility," referred to a statement on an evening news program that "the number of attorneys being graduated from our nation's law schools vastly exceeds the number of jobs created in the market." It noted further that "law schools continue to expand" and attributed the "vast gulf" between the number of law school graduates and the number of jobs to the fact, according to the editorial, that "[l]aw schools . . . are veritable money-making factories for universities." Finally, the editorial referred to the "avarice of the legal profession," and decried the "unregulated propagation of lawyers in a society which cannot support but a fraction of them with meaningful and fulfilling legal positions."

I think that the editorial is probably a strong statement of feelings shared by many who are presently in law school. In raising questions about some thoughts in the editorial, I do not want to suggest that I am unsympathetic to those who are experiencing acute frustration and anxiety in trying to find "meaningful and fulfilling legal positions." However, I have a few facts and thoughts I would like to put before you. And I hope that someone (perhaps *The Docket* or the SBA) might establish a forum in which there could be open discussion of how to deal with the perceived "glut of lawyers."

With respect to the extent of the "glut" and the expansion of law schools, I would like to quote a few paragraphs from an article in a recent issue of the *Journal of Legal Education*:

"Professor Vaughn Ball has predicted that the number of law-school graduates will grow from approximately 518,000 in 1980 to approximately 610,000 in 1984, and to 750,000 by the end of the decade. It is possible to quibble with the assumptions upon which his predictions are based, but the accelerated growth of the profession is obvious. The size of the profession increased from 304,938 in 1980 to 535,000 in 1984. Despite such phenomenal growth, a recent survey reveals that 95 percent of 1979 law school graduates from ABA-approved schools found law-related jobs within nine months of graduation. No one really knows when, if ever, the job market

will dry up.

"The Department of Labor each year estimates that about 27,000 legal job openings will await this year's 34,000 law-school graduates, and that during the next few years the annual number of jobs will not increase. Skeptics will correctly point out that the Department of Labor has for over a decade consistently underestimated the number of legal jobs available, but it would be imprudent to forget that prior to 1965 the profession had never absorbed as many as 14,000 lawyers in a sin-

(Continued on page 3)

Dear Editor:

As a third year law student entering my final semester, I thought it might be appropriate to take stock of what I have actually learned in almost three years of law school. Half a lifetime ago, one of my instructors made a remark to the effect that perhaps as much as 80 percent of all that we learn through formal education passes completely from conscious memory a few years after it is acquired but, if we have been trained properly, as memory recedes we should be left with the ability to think clearly, having at one time dealt with such a wide range of information.

As for the first point, I can certainly attest to the fact that I have already forgotten 80, if not 90, per cent of the raw legal data I have tried to assimilate (i.e., crammed into my head). Between the information that has passed irretrievably from memory and the material that never was learned in the first place, one can only have a deep, abiding sense of gratitude for bar review courses.

The second prong of the revelation I received in those halcyon days of my youth is carried a step further in law school. Not only is one supposed to learn something about the law but also is expected to emerge from law school "thinking like a lawyer!" Whether and to what extent legal thinking has any relationship to thinking logically, analytically and, most significantly, clearly, is something I cannot say at this point. From the little I have seen of the profession, in these hallowed halls of academe and elsewhere, I am left with the suspicion that "thinking like a lawyer" may very well represent a step backward in the process of learning how to think

The Ways and Means of Committees

What is the Long Range Planning Committee? Who is on it? What does it do? When (if ever) has it, or will it meet?

— Member of the L.R.P.C. since 1980

The above-quoted plaintive cry by a committeeman is indicative of a number of the empty shells that dot the landscape of the Villanova Law School committee system. To be fair, several of the eight committees which students are on do exhibit signs of life, in particular the Placement Committee and Curriculum Committee. However, enough carcasses exist that one wonders whether a thorough overhaul of the system is not necessary. The Financial Aid Policy Committee has not met in over two years, the Admissions Policy Committee and the Long Range Planning Committee have not met in over two and a half years, and the Grading and Examination Committee has met only once in a year and a half. Both members of the Faculty Student Committee did not respond to the Docket survey and one can only wonder whether this committee has not been superseded by the new Student Faculty Committee which is composed of all heads of student organizations.

Committees obviously do not play a very big role in the governance or guidance of the Law School. This fact, in and of itself, may explain the malaise that seems to permeate the committee system. Another contributing factor, though, stems from the fact that elections for the various committees were never held this school year. According to Ernie Hart, Commissioner of Elections for the SBA, he was not notified that elections were needed and therefore nothing was done to fill the posts vacated by graduating students. This of course, does not even touch on the problem of those students merely elected for a year. Only in December was this oversight discovered and rather than going through the cumbersome election process, various students

clearly.

The preceding should not leave the impression that law school has not altered the way in which I perceive and deal with problems. In fact, if there is one thing that has changed my thinking process more than of an inordinately large quantity of fear. Before law school I never fully appreciated fear, now not only do I view legal issues through a prism of apprehension but I live in fear. Whether it is the low level fear professors emit and feed off of in the classroom or the intense soul renting fear that visits most law students twice a year, it is so palpable that it is no exaggeration to say that Fear is very much at home at law school.

Fear is a terrible and awesome thing because it touches all of us at least once in our lives and, hence, is truly one of the few Great Democrats. However, fear does give its recipients an ironic solace. In my own case, having directed every activity for the last fifteen years to the idea of becoming an attorney and practicing law, I am simply

were appointed to open spots.

There is nothing in the SBA constitution concerning student elections, according to Ernest Hart, but it is unofficial policy that committee members be elected at the same time as the October elections for first year SBA representatives. He is presently drafting a proposed set of guidelines to ensure that elections will be held at the requisite time next year. However, even he wonders whether students should be elected to serve in largely ceremonial capacities.

Not only are many committees inactive, but even those who are actually doing something do not see fit to publish minutes to inform the student body about their activities. In this respect, they do not differ too much from their mother organization, the SBA which at last look had the minutes from the October 17th meeting posted. (Actually there were no minutes posted when this date was being double checked.)

Students are on only eight of the sixteen committees set up by the faculty. The effectiveness of faculty committee without student representation is not known at this time.

The need for sunset laws seems to be fairly persuasive in view of the dormant nature of many of these committees. The opposite, the need for sunshine laws, however, does not appear to have infected the students at the Villanova Law School. At the Student Faculty Committee meeting held in early December (attended by barely half of the student body heads and only one of the four professors) the students themselves were able to vote down a proposal to have a student observer at faculty meetings. One begins to understand the vibrancy of the VLS committee system after such an acute insight into student interests.

What is the solution? Clearly, if past trends and sage thinking is any sort of guide, we should appoint a committee to investigate the committees.

too afraid to think seriously of not going on.

The real pity of it is that for a profession that rightly prides itself on the aptitude and confidence of the advocates it produces, the level of fear law school engenders and professors condone and manipulate cannot but be in some way counter-productive to an individual's thinking processes and sense of humanity.

In the end, the law student goes on despite the obstacles and becomes adept at surviving, perhaps the most important lesson that can be taken away from law school. Thus, the whole legal educational process seems to come down to a matter not of winning, nor losing, nor even how the game is played, but simply that the game is played and we are still standing on the field when the clock runs out, ready to enter the profession and begin the game in earnest.

Dum Spiro, Spero

(Editor: The preceding article was originally submitted to the Edgar Allen Poe-Pontius Pilot Law School Invitational Essay Competition and is re-printed in full with the permission of the author.)

THE DOCKET

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LETTERS TO THE EDITOR

(Continued from page 2)

gle year, while in the decade of the seventies the average increase exceeded 30,000 a year.

"Equally decisive to applicants may be the general impression of joblessness, regardless of the reality. For almost a decade the press has been predicting or describing a 'lawyer glut,' with headlines such as 'Many New Lawyers Find Practice is Limited to Looking for Work'."

Pye, **Legal Education Past and Future: A Summer Carol**, 32 J. of Legal Educ. 367, 370-371 (September, 1982).

I do not have figures with respect to the extent that law schools are money-makers for universities. It is probably true, however, that few, if any, law schools are money-losers. It is also undoubtedly true that some universities take a substantial amount of law school income (derived in large measure from law students' tuition) and apply it to support non-law school activities. From my knowledge of Villanova Law School's budget, I believe that a relatively low percentage of the Law School's income goes to the University. And with respect to that percentage, it must be remembered that the University does have a fair claim to compensation for "overhead" expenditures attributable to the Law School (e.g., heat, airconditioning, financial services, etc.).

But the fact remains that law schools are profitable. And the question is whether universities should forego or limit law school profits by regulating the "propagation of lawyers" when there is, at the least, a perception that there is a gulf between the number of law school graduates and the number of available legal jobs.

If there is "avarice" involved in the failure to regulate law school admissions, I think it should be clear that it is not the "legal profession," by which I mean the practicing bar, has little to gain, and much to lose by an increase in the number of lawyers. I am certain that the practicing bar would enthusiastically support the imposition of a quota on future law school admissions. Is this the kind of "regulation" that the editorial had in mind? Is this kind of regulation fair to the student who, though fully aware that the job situation for lawyers is tight, nevertheless wants to go to law school? Perhaps that student wants a legal education but has no desire to practice law. Certainly, law schools should not make false representations about the

job situation but, if full disclosure is made, why is that not enough?

The editorial concludes by saying that society can provide only a fraction of law school graduates with "meaningful and fulfilling legal positions." I understand that the writer is saying that it is not enough for there to be jobs — the jobs should be "meaningful and fulfilling." I assume that everyone wants a job that is "meaningful and fulfilling." But what do these terms mean to the typical law student? Do many law students believe that only the \$40,000+ positions in large law firms can be "meaningful and fulfilling?" Do law school faculty and administrators convey this impression? If some of us do, then I believe that we are contributing to the frustration and anxiety of those seeking legal positions. And, more importantly, we are presenting a false picture of reality. Large firm practice has its financial rewards and it can be fulfilling. But it also has its share of drudgery. Moreover, large firm practice often does not provide the opportunity to deal with real people, an opportunity that is more readily available in small firms or in non-legal positions. I think that dealing with people problems can be as "meaningful and fulfilling" as most forms of large firm practice.

Finally, is it possible that many law students limit their employment search to relatively high-paying jobs because trailing behind many law students is a long train of debt? If this is so, what can be done to eliminate, or at least minimize, this incentive for students to narrowly define what constitutes a "meaningful and fulfilling" legal position?

In sum, my points are few and perhaps not very profound. I think that Professor Pye's figures suggest that the gulf between law student applicants and available jobs is not as wide as generally perceived. Yet there is a perception that "meaningful and fulfilling" legal jobs are hard to find. And such jobs are hard to find if one adopts a narrow definition of what is "meaningful and fulfilling." Law school faculty may be contributing to such a narrow definition. I also resist the notion that law schools protect the economic position of those who have already graduated.

As I said before, I appreciate the frustration and anxiety of those seeking legal employment. One need not be terribly sensitive to realize that thoughts about future employment have an understandable, but almost obsessive, hold upon the minds of many law students. I would welcome the opportunity to discuss the issues I have raised, or related issues, with anyone who is interested.

John M. Hyson
Professor of Law

Placement

First Year Students

The placement office is offering a program entitled, How Placement Works, on Wednesday and Thursday, February 16 and 17. The program runs from 3-4:30 p.m. and will be held in the placement office. Please sign up in the placement office by February 15.

TALENT NEEDED!!!

Can you Sing? Dance? Play the Kazoo? Tell Jokes and Get Laughs? If you have any talent which can be performed in public we want YOU! The Women's Law Caucus Presents Another Fabulous Action-Packed

COFFEEHOUSE!!!

Friday, March 11, 1983 — 8:30 p.m. VLS Cafe. Performers may sign up in the WLC office or contact Carole Ungvarsky, Colette Buchanan or Paula Schaffner.

Tickets go on sale March 7, 1983.

Women's Law Caucus Calendar
February 16 — Dual Career Seminar
March 11 — Coffeehouse

Lawyers' Guild Speaker

Our own Peter Goldberger, a nationally recognized military law expert will speak on "Draft Legislation: Legal, Political and Moral Issues," February 15, 3:00 in Room 29. This is brought to you by the Villanova Lawyers Guild and will be followed by the usual reception.

GREEN ACRES

A Monthly Column by Tony Green

Publicity Hounds VLS

As you might know, there's a big push on right now to get Villanova and the Law School some good publicity. Good publicity attracts more students. More students means more money. And what else is there?

While the campaign has not been officially announced, the signs are everywhere: Dean O'Brien stars on TV spots. The school is pushing prominent or unusual students on reporters for profile material. Professors are being convinced to write articles for local legal journals.

In that regard, the *Docket's* crack investigative team has obtained, from a confidential source, the transcript of a tape recording of a meeting where the PR campaign was discussed with some members of the faculty. According to sources, the meeting was honchoed by one Biff Morgenstern of the Los Angeles P.R. firm of Morgenstern, Morgenstern Morgenstern and O'Neill. Morgenstern has a creditable series of past clients under his belt. In the past, Morgenstern has worked for the gorilla in the DeLaurentis version of "King Kong," the shark in "Jaws," former Senator Sam Hayakawa, Jim Watt, the National Football League and midget actor Gary Coleman. Biff Morgenstern, needless to say, is the big time, earns big money and gives a good meeting. (Note: The transcript did not reveal the names of the professors speaking.) Here are the highlights:

B.M.: Now listen kids, the first thing we gotta do here is key on what we've got to sell here, what's marketable.

Prof.: Well, listen, Mr. Morgenstern . . .

B.M.: Hey, get outta here. It's Biff.

Prof.: Sorry, uh, Biff. I have this great article I'm writing on the Rule in Shelley's Case. I call it, "The Rule in Shelley's Case: A Real Catch 21."

B.M.: Look, now don't get me wrong, here. But Shelly's been overdone. Shelly Winters. Look, I love her. I had lunch last week with her and her agent, Blinky. When she died in "The Posiedon Adventure" I cried for a week.

the media. Look at the Rule against Perpetuities in "Body Heat." No. We need meat. We need something with sex appeal.

Prof.: How about a program or a film about the law and the draft movement. We could criticize Reagan and everything. It'd be great.

B.M.: This is 1983, pal. We're talking Jane Fonda in exercise videotapes, not Crosby, Stills & Nash at Woodstock. Let's talk today.

Prof.: Well, I'll tell you what's today. Jobs. So let's do **Paper Chase II**. They transfer Houseman to Villanova to head the placement office. Let's face it, he can't get pregnant. And he helps the kids who are now 3Ls get jobs, unsuccessfully of course.

Prof.: How about a movie based on my debtor-creditor book: **Going Bust**. If that's not relevant, I don't know what is.

B.M.: Let's get one thing straight: I don't do downers. That's a down. We need to sell the school, not give it away.

Prof.: I could do another nutshell. Say, **Sex Crimes in a Nutshell**.

B.M.: We're talking desperation city here. I anticipated this. So let's talk fiction. We're going to have to deal with this situation like it's a product, like an uncomfortable product, Midol or Perparation H or Maalox. We're gonna have to go comparative advertising. With the other schools. Like: "At the University of Pennsylvania you have to work 120 hours a week and lose half of your hair to make law review. At Villanova, you just have to make 10 free throws and get one C+." The visual is a rugby game.

Prof.: But . . .

B.M.: "At Penn, the xerox machines cost 15¢ a copy. At Villanova, the machines are only 5¢." Comparative advertising is definitely the route we have to take this.

Prof.: But there's the Lanham Act, the F.T.C. . . .

Prof.: I love it, Biff. Let's do it. But it sounds expensive. What will it cost?

B.M.: I would say this is going to cost, uh, a million dollars over the next, uh, two years.

Prof.: We, uh, could, uh, do that.

Follow up: Last month, this column focused on the precocity and presumptuousness of the 1Ls. That situation was resolved on January 25. Grades were issued.

And now, the last time you're going to hear Tony Green make pun with Wilson Goode's name. Goode is Bill Green's former Philadelphia Managing Director who is running in the Democratic primary against Frank L. Rizzo. Green reports that the Goode campaign is looking for willing volunteers for the effort to halt Big Frank's return to City Hall. Anyone interested should contact Green with a note on the bulletin board or at his locker. (Number 25.)

Reimel Quarter Finals

The quarter final round of the Reimel Moot Court Competition was held on February 1, 1983. The following teams won their arguments: Collins J. Seitz, Jr. and Mark T. Mullen; William Dienna and Mary Ann DiMaio; Andrew Siegaltuch and Michael J. Robinson; Bruce L. Baldwin and Mark F.C. Berner.

The semi-final round will be held on Tuesday, March 8, 1983, at 7:30 p.m. The team pairings are as follows: Seitz and Mullen v. Dienna and DiMaio; Baldwin and Berner v. Siegaltuch and Robinson.

Birth

Virginia and Arthur Shuman announce the birth of their daughter, Caroline Keith Shuman, born on January 2, 1983. She was born at Abington Memorial Hospital and weighed 10 lbs, 5 oz.

PHI DELTA PHI CALENDAR

Beer & Pizza Party
Monday, February 21

Cafeteria, 5 P.M.

St. Patrick's Day

Faculty Student Mixer

Thursday, March 17

Student Lounge

3 P.M. — ?

Villanova's First Annual Law

School Run

(2 and 5 Mile Divisions)

Thursday, March 24

or

Sunday, March 27

The Docket welcomes all letters and comments. Please double space, type all contributions and leave at the Docket office. All contributions must be signed although anonymity will be given upon request.

for 2nd and
3rd year students

Lexis Instruction

LEXIS, as you may know, is a computerized legal research system which is now installed in law offices, courts, and law schools throughout the country. Many students and new graduates find it beneficial to be able to tell potential employers that they are "LEXIS-trained."

The training session is brief (about one hour) and you can sign up at the library's circulation desk.



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Wrestling With Clients

By Anna E. Arakelian

This is the second year that the Villanova University School of Law has participated in the Interviewing and Client Counseling Competition. The American Bar Association is sponsoring this nationwide competition, as they have since 1973. There are fourteen teams of students attorneys competing in the school wide competition at Villanova. The winning team will represent Villanova in the regional competition at the University of Baltimore Law School in Baltimore, Maryland. The winner of the regional competition will compete in the national competition this spring in New Orleans.

The competition began on January 31, and will end with the finals on February 17. Associate Dean Garbarino said he was very pleased with the qualifications of this year's judges. He was particularly excited about the three Alumni judges for the final competition on February 17. These judges are: Richard L. Trumka (VLS '74), the recently elected President of the United Mine Workers of America; James A. Matthews, Jr. (VLS '57), labor partner, Morgan Lewis & Bockius, Philadelphia, Pa.; and Alfred J. D'Angelo, Jr. (VLS '74), labor partner with Richards, Layton & Finger, Wilmington, DE. Associate Dean Garbarino noted that we are particularly fortunate to have such an experienced panel, since the problem the students are being given involves the loss of employment.

This competition is aimed at the very practical aspects of interviewing and counseling clients. Each team of student attorneys receives a memo telling them that they have an appointment to meet with a client, and that the client has a problem

involving the loss of his job. The judges and the student clients know the details of the case. The objective is to interview the client in such a way as to extract all of the pertinent facts, and to use those facts and all of the legal knowledge the student attorneys have to analyze the legal issues. The students are judged on how well they extract the facts, how well they analyze the legal issues or any financial, social or personal issues, and how well they analyze the clients alternatives in the given situation.

This year the students will be judged by three member panels consisting of one faculty member and two alumni who are experienced in the field of labor law. Associate Dean Garbarino said he was very pleased with the number of people who have volunteered to participate in all aspects of the competition. The Alumni response was gratifying. All of the twenty-one alumni who were asked to serve as judges agreed to serve. The competition was also oversubscribed with faculty members who volunteered to participate; so the faculty judges were chosen by lot. Associate Dean Garbarino also noted that the competition received substantial assistance from the SBA. The SBA has been administering the competition this year, and Francine Lincione has spent considerable time coordinating the SBA effort.

It should be noted that a course in "Client Interviewing" is being taught by Associate Dean Garbarino. The course is limited to sixteen people and consists of role playing experiences. Another related course is "Negotiation" taught by Professor Peritt. Good skills in these areas will certainly be an asset to anyone in the legal profession.



1Ls discover hops

King Remembered

By G. ELAINE SMITH

Martin Luther King, Jr., whose birthday was celebrated on January 15th, was one of the most reknowned and effective American proponents of civil rights.

The members of B.A.L.S.A., in recognizing the occasion of his birth, requested their fellow classmates to join with them in a moment of silence to commemorate the contributions of Dr. King. In addition, all of those so inclined were encouraged to support legislation designed to set aside Dr. King's birthday as a national holiday.

During February, which is Afro-American History Month, Dr. King's contributions to civil and human rights again come to the fore. This is only appropriate as he was an integral part of the making and shaping of history, especially Black history, in the United States.

It is important to remember that his impact and influence were international in scope. Dr. King was, at the age of 35, the youngest person ever to have been the recipient of the Nobel Peace Prize. He is recognized throughout the world as one of the most effective advocates of non-violence in the struggle for civil and human rights.

His interests were not limited to the concerns of black citizens of this country but his commitment to non-violent social change led him to support the peace movement and other human rights causes throughout the world. Dr. King believed that world-wide peace and civil rights could be achieved through "deliberate and restrained aggressiveness, persistent dissent

and even militant confrontation." The use of these tactics caused some to designate King "the American Gandhi."

The message which Dr. King was attempting to communicate was one which has not lost its significance. This message continues to need articulation because the injustices which he fought still exist, albeit not in 1950's and 1960's garb.

There is a sentiment in one of Dr. King's messages which Americans, especially those of us entering the professional realm, need to hear: "... you may master the intricacies of the English language and you may possess the eloquence of articulate speech; you may have the gift of scientific prediction and understand the behavior of molecules; you may reach into the storehouse of nature and bring forth many new insights; you may ascend to the height of academic achievement so that you have all knowledge, and you may boast of your great institutions of learning and the boundless extent of your degrees; but devoid of love all of these mean absolutely nothing. . . In a world depending on force, coercive tyranny and bloody violence, you are challenged to follow the way of love. You will then discover that unarmed love is the most powerful force in the world."

That quote is the essence of Martin Luther King, Jr. which I reflect upon in celebrating his birth. This is the essence of a man who brought to the struggle for civil and human rights the non-violence of a Gandhi expressed in the language of the New Testament.

Point Pleasant

(Continued from page 1)

with the Schuylkill available as a backup source in case of a long-term interruption of flow.

The Point Pleasant project is also intended to bring water to the drought-prone areas of Bucks and Montgomery counties. John Hyson, a professor at VLS, believes that chronic water shortages and the possibility that available water may become contaminated were reasons that prompted the counties involved to look for alternative sources. NWRA insists that the additional water is required to adequately serve the communities. Both proposed uses have generated opposition from area residents.

The major legal challenge took place several years ago. In 1981, the Delaware Water Emergency Group brought suit in the federal courts seeking to block construction of the pumping project. The suit questioned the approval process of the Delaware River Basin Commission (the Commission), a multi-state agency with broad powers to regulate the water usage from the Delaware River. The Emergency Group argued that the Commission's approval of the Point Pleasant project was improper because the Commission failed to prepare a new Environmental Impact Statement (EIS) before making its final decision. The Commission maintains that the water diversion project had already been the object of three full EIS's since 1973 (One in 1973 by the Atomic Energy Commission, another in the same year by the Basin Commission itself, which was then submitted to the Council of Environmental Quality, and a third in 1976 by the Department of Agriculture). Each EIS approved the pumping plan based on a maximum of 150 mgd, the anticipated usage at the time of the studies.

When PECO and NWRA sought construction approval in 1981, the maximum quantity of water to be withdrawn was reduced to 95 mgd because the population had not increased as much as originally forecast. This reduction was the only substantial change from the previously approved plans. The Commission reviewed the project but decided not to require another full EIS. The commissioners reasoned that a reduced water flow would only decrease any adverse environmental effects.

In August of 1981, Judge VanArtsdalen of the U.S. District Court for the Eastern District of Pennsylvania upheld the action by the Commission. After a lengthy review, Judge VanArtsdalen ruled that the Commission's action "was reasonable; it was based on a full consideration of facts and circumstances of the case. . . The record establishes that (the Commission) complied with all challenged statutory and regulatory requirements." On appeal to the Third Circuit, the judgment was affirmed.

Del-AWARE, the association now assuming active opposition to the project, is challenging the construction of the intake valve. The organization's strategy, according to David Brooman, is to contest every construction permit granted at every stage of the project in an effort to block the work. Del-AWARE asked for, and was granted, an expedited appeal to challenge permits granted by the Commission in October of 1982 and affirmed by the District Court in December.

On the state level, Del-AWARE is opposing permits to lay pipes under the Delaware Canal, an historic landmark. The permits were granted by the Pennsylvania Department of Environmental Resources in September of 1982. They will be reviewed by the Environmental Hearing Board in the near future. (This Board is the same one that conducted hearings at VLS last semester regarding a proposed landfill project.)

While the appeals are being made, construction on the project is continuing. Conceivably, the courts could issue an injunction or reverse one of the construction permits, but given that they have so far affirmed every decision made in favor of the project, it is unlikely that the construction will be blocked.

. . . Next issue: Environmental Concerns at Point Pleasant

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Black History Month Continues

(Continued from page 1)

Pennington, Henry Highland Garnet, John S. Rock, Blanche K. Bruce, The African Peons, Booker T. Washington, W.E.B. Du Bois, Marcus Garvey, Thomas Gaither, Julius Lester, Malcolm X, Dr. Martin Luther King, Jr., The Black Panther Party, James Forman, Angela Davis, Queen Mother Moore, J. Leon Higginbotham, Minister Louis Farrahkan, Hilton I. Davis, M.O.V.E.

I am grateful for being part of a proud family that has a tradition of public service in the educational, medical and legal professions. Their awareness of the significance of Black history has taught me that I do not have the luxury of divorcing race from any aspect of my existence, while our people continue to suffer immensely in the U.S. and in many African countries.

In the future, when there will be enough time and paper, I plan to make my legal knowledge available to the community at large by returning to Newark, N.J., by engaging in private practice, by authoring books to communicate logical strategies for socio-economic advancement and by continuing to assist my sons in their efforts to make a worthwhile personal and professional contribution to the community at large.

Thanks for asking me this question. Black history really is paving a way for the future.



Suzanne Fields, a native of Philadelphia and a graduate of St. Joseph's University, responded as follows:

My parents have always encouraged me to excel in everything I have attempted. They have never stressed 'Blackness' per se, but they portrayed all the qualities of Black solidarity by struggling to provide a strong family unit.

My African ancestors have left me a legacy which is necessary for me to carry on. My long term goal is to take possession of the legal torch, which is a powerful tool in the quest for equality. Upon receiving the torch, I will pass it on to future generations who will be inheriting the legacy.

It is significant to note, in light of Black history month, that Crystal Bird Fauset was the first Black woman elected to a state legislature in the United States, acquiring this distinction when she was named to the Pennsylvania House of Representatives on Nov. 8, 1983. Macon B. Allen, from Worcester, Mass., was the first Black man to be formally admitted to a state bar, on May 3, 1845. Their efforts have provided

a positive path for the future of Blacks in the legal arena. I am confident that I will be a part of that future!

Michael Lindsay, a student in the J.D./Ph.D. program, responded as follows:

First, the statement that 'ignorance of the law is no excuse' seemed complex, yet simplistic, but because the Black ignorance of LAW, there was a certain mystique about that phrase which interested me.

Second, being an adolescent in the riot filled 60's, I was very angry as a Black in white America, playing by rules for everybody, but somehow not for me.

Third, I always wondered if it was possible to get my one acre and a mule legally.

I would like to use the legal background I am pursuing to demonstrate that it is indeed possible for each person to make a difference.

Michael Holmes, co-chairman of BALSAs, responded as follows:

History is not a static concept and is being made and remade as I write this and as you read this, which makes it difficult to keep pace. Yet, if you (or I) do not know where I am coming from, then you cannot possibly know where I am now and you will never know where I am going! Consequently, Black history month, for me, is a key or as it has been said, "the greatness of our past [my past] is the key to our future [my future]."

A key is useless unless you use it to unlock something. That which I choose to unlock is the law, or rather laws which directly or indirectly stand as an impediment to the future of Black America and, subsequently, all of America.

Lisa Watkins, a second year student and secretary of BALSAs, responded as follows:

Having grown up in the 60's, I was very moved by the Civil Rights Movement. Due to the hard work and efforts of Dr. Martin Luther King, Jr. and his supporters, the position of Blacks in the U.S. changed. Many Blacks were finally given recognition for their talents, such as the appointment in 1968 of Thurgood Marshall to the U.S. Supreme Court.

Seeing that these dreams could finally become realities inspired me to pursue my interest and love of the law. Perhaps one day I will be sitting on the illustrious Court, bringing justice and equality to our country.

Derrick L. Chisom, first year student and active member of BALSAs, responded as follows:

For me, BALSAs is a reminder that I'm not alone here. It provides the psychological support necessary for me to cope with the burden of being culturally separated in an already competitive and pressured situation. BALSAs also reminds me of my purpose for coming to law school: to gain an understanding of the socio-political structure of our society and to utilize this knowledge in my community, where it is sorely needed.

Karen Spencer Kelly, first year student and co-chair of the Black History Committee, responded as follows:

The history of Black people in the U.S. has not directly influenced my decision to pursue a legal career. However, I am constantly aware that but for the efforts and sacrifices of so many brave, Black Ameri-

cans I would not have what limited freedom I have today to pursue the career of my choice.

In the future, I hope, at the very least, to be a role model for young Black people. I hope this is true regardless of what career I finally choose.



Regina Renee Waddell, member of the Honor Board and co-chair of the Black History Committee, responded as follows:

Black history has played an inspiring role in my decision to pursue a legal education. Throughout my life, mainly from the teachings and guidance of my parents, I have often reflected upon where Blacks have stood in the past, where Blacks stand today, and where Blacks will stand in the future.

Because I understand and appreciate the path that our Black forerunners have carved for all of us, I am proud to say that I too am part of the struggle and will be looked upon by the Black community as a role model! This, coupled with my interest in understanding the law, has inspired me to pursue a legal education.

Louise A. Harris, first year student and active member of BALSAs, responded as follows:

Black history has been instrumental in motivating me to pursue a legal career in a dramatic way. In the last decade I have gone through periods of cynicism, hatred, apathy, self-interest — the whole emotional gauntlet. The attendant problems of racism in the U.S. have served to spur my most of all, I need to see a change in the minds and hearts of us all.

Matriculating at VLS has not been the smoothest means to accomplish my goals. I have found it to be a microcosm of racial intolerance and ignorance, yet, it is the path to equality which I have chosen to follow. By pursuing a career in law, I hope to bridge the gap between different cultures, which have had such a profound effect on my life. A healthy respect for other life styles can only enrich us as human beings.

My attachment to Africa motivated my initial interest in law. The decade I spent absorbing the sun of the African tropics molded into my character qualities that did not surface until my return to the U.S. I took for granted the personal pride of being among the racial majority, with all the social and political ramifications this entailed. The historical significance of my people in the U.S. will always be a struggle. I plan to contribute by being a skilled lawyer aware of the state of the nation.

Derrick Coker, a 3rd year student and ac-

tive member of BALSAs, commented as follows:

The Black struggle has influenced my entire life. I construe the struggle as being like a race. This race is constantly run and purportedly anyone can compete. The realization of the 'American Dream' awaits at the finish line.

A particular runner struggles in this race, under the weight of lead boots which only he has been perpetually required to wear. When he finally succeeds in having the boots removed after years of protest, he is told he may compete but he will be given no consideration for the handicap previously forced upon him. Hence, if he wishes to pursue the great Dream, he must do so against those who, unlike himself, have never worn such boots. He competes against those already conditioned for the race; He competes against a select few like himself who had no boots and were lucky enough to buy their freedom through proper conditioning or because they were perceived as less threatening to those controlling the race.

Our runner persists. He relentlessly conditions his body and disciplines his mind for the race. He steps up to the starting line, and is told that he may compete, but now only this way: in the same rigid manners as the other runners, in his assigned lane, at his assigned speed. If he deviates and runs in his unorthodox style, he will be disqualified. His boots may be gone, but they have been replaced by new restrictions. So, his conditioning begins anew, and the rule-makers place new obstacles in his way. But he will win this wicked race and bring the prize back to his booted people.

Living my childhood, adolescence, and young adulthood in the 'inner city,' I've run this race as I've pursued higher education. I've continued to run in this race because the vast majority of my people wear boots of unemployment or under employment, the boots of inferior education and training, and the boots of poverty or near poverty. The vast majority of my people cannot buy the removal of their boots, and the rule-makers have consistently shown no interest in meaningfully assisting them in removing this race virtually an of my life.

The road has certainly been rough. I ran through the turbulent 60's, the regressive 70's and into the Reaganomics of the 80's. I've watched our leaders in the struggle of our race be murdered, bought off, and become complacent as they have run this race.

My course is set. I will conclude this stage of the race in due time, then the next stage (the Pa. Bar Exam). But the race does not end there. I will return to the booted people replete with 22 years of conditioning. Of course I will practice law, and resume the political involvement which I put on hold while struggling to survive this latter stage of the race. But, more importantly, I will diligently assist other young runners to remove their boots and carry our struggle forward.

CWS

(Continued from page 1)

wise difficult job search.

What is the outlook for 1983-84?

According to Mannix, the prediction for availability of CWS funds to VLS students is positive for 1983-84. The amount of funds available will remain about the same as this year. However, she pointed out that inflation might somewhat decrease the actual amount available to the student.

Levin estimated that close to \$400,000 was allocated to the University by the federal government for CWS during the 1982-83 academic year. Levin said, "However, the allocation for the 1983-84 year is not yet known. We urge all students to apply anyway in the hope that Villanova's allocation for 1983-84 will be sufficient to meet their financial needs."



"Can you tell me where I'd find the 'People's Court' reporters?"

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Of White Collar Crime and Charlie Allen

Interview with J. Clayton Undercofler

(Part II)

by Beth Wolfe

Q. I would like you to answer this question from two perspectives: first as a lawyer practicing in the field and second, as a citizen who is knowledgeable because of his professional background. What do you see as the appropriate thrust for federal law enforcement in this area?

A. Well, this is federal law enforcement. You have to recognize that your resources are limited. You are not in a position where you can go into all 10 counties and really clean them up. That's a job for the district attorneys and there has to be a good relationship between federal and local law enforcement. Then you have to look at what you do best. What you do best is that you move over county lines and state lines, and you have as a tool the grand jury system which is very flexible and powerful. And you have agencies that are very skilled and, indeed, better trained and better equipped than local law enforcement agencies. So, white collar crime becomes a natural because you have the ability to gather the documents to reach out to whatever part of the country that a major fraud might be located or portions of those people that are involved can be located. And you can prosecute it. I think it should be and it is a visual prosecution and it has to have a high deterrent value. Because you find that if you get involved in fraud and the like, there are so many that you don't have the ability to do them all. It becomes very frustrating, but I think you have to continue that effort.

Q. But if it is true that there are so many and you don't have the ability to do them all, what is the actual deterrent value aside from the psychological boost that the guys get in the office from telling themselves that there is a good deterrent value?

A. I don't know. You just have to. You would have to take a poll of defrauders and find out what their response is to seeing someone going to jail. I think if you talk to a lot of investigators today they would tell you that since the great famous notorious for harder to prove the cases because when the money is paid, it is done very carefully. Probably, knowing human nature, it doesn't stop it that much. I think the answer is that you don't know how much it does deter. Law enforcement has no other approach.

Q. If the U.S. Attorney's Office were to shift its concentration toward narcotics and finding the money that runs narcotics, would you be more pleased as a citizen, or more concerned for your practice?

A. I think they have already made the shift. One of our alumni Jack Riley, recently returned to the U.S. Attorney's Office to head up the Drug Task Force. He is a very talented guy and has been very successful. It was a loss when he left and I'm sure they are glad to have him back. I know there is a big emphasis on narcotics and they are looking to develop those cases so I am happy with that direction.

Who can assess now from the private point of view the economic impact? I don't do narcotics work; I feel strongly enough about narcotics enforcement that I just couldn't consistently do that kind of work. I'll take my chances. I am fortunate enough to be in a law firm where it doesn't require that I pay the rent by criminal clients knocking down my door. A lot of our clients are corporations, and we are big enough to have plenty of civil work that has to be done, so I'm not in a position where I think in those directions. It's a source of a lot of joking, but I don't think it's very serious. I don't think that it's going to affect the practice that much. It's a big office, 50-some lawyers, and plenty of people to do everything.

Q. For those of us who are about to graduate: what to look for in your particular field and how to approach it?

A. You mean in terms of how to get into this particular field?

Q. That, and also how to look for what is coming and how to fit into it?

A. That's a broad-based question because there are many ways to get into it. If you look at the most successful practitioners, a lot of them are former prosecutors. That's a tremendous assist in this business because during white collar criminal defense a lot of it is in the investigative stage. You are doing the representation before indictment and it helps to understand the investigative structure. It helps to know how agents work and how U.S. Attorneys think be-

cause you are in the process of finding information that may help them make more objective decisions. It also helps in counseling clients who are under investigation and suffering anxiety. They have a compulsive need for information and it is generally very sparse in the investigative stage. On the other hand, Don Goldberg who is a most successful defense lawyer and considered number one, did not have that background. He started out in practice with another defense lawyer and learned that way.

The important thing in criminal law is for you to be a defense lawyer before you can develop any kind of practice. You have to be a trial lawyer — that's where it always ends up. The question is how are you going to get your reputation or how are you going to learn? Very few criminal defendants of any substance want you to learn on their case. They want you to get them off and the way they do is check your track record; so you have to get your experience somewhere else. The best place is in a government agency where the client is the government and they understand. They are paying you less money and expect you to learn on the job. You can do that in the Defender's Association, The U.S. Attorney's Office, the D.A.'s office, or anything to get you into court and familiarize you



with the system. Without that it will be remarkable for you to move into criminal law and develop into a major practitioner.

Q. Has crime become so sophisticated that, as lawyers, must we become more sophisticated and computer competent also?

A. I don't think so; I never had one of those cases. What I like about litigation is that when you move from one case to another you usually end up in a different factual setting and you have to learn something new. Not new law, but some new part of life, such as how to defraud grapefruit drinkers. Get your experts and get someone to teach you. That's what I find fascinating, and what makes it really enjoyable. If you didn't have that, it would be a lot less exciting. So, I would say no, you have to have an open mind and be willing to learn.

Q. You were chosen to represent Charles Allen when he was flipped by the FBI or the Strike Force — were they both the same back then?

A. You get a lot of argument as to who "flipped" him. If you mean whoever put the proposition to him that caused him to change his mind, the Drug Enforcement Agency would say that they did it. The U.S. Attorney's office in New Jersey would say they did. I can only tell you what I saw and I felt that the relationship he had with the FBI office in Philadelphia was such that, without them, there would have been nothing. Based primarily on the fact that Allen had been solicited as an informant long before this had happened and the court records show that he provided information to the FBI while he was still involved in his underworld activities. The FBI encourages agents to get informants, and one such agent spent a lot of time on Charlie Allen, and developed a very warm, trusting relationship with him. He would go to his house and counsel him personally on matters of the heart, for instance, when he was getting married. Ultimately, when he found him self accused in New Jersey of operating a meth lab, that moment of truth came and the relationship with the agent probably was the key. The agent's name was Henry Handy.

Q. Could you tell the readers something about Charlie Allen and why he was important? I would be interested in your personal reaction to him in the ways that you got to know him.

A. Allen was best described as an enforcer for organized crime. Hard to say which

family it was. He had ties to the so-called Provensano family in New Jersey. He was living in South Jersey and he had a lot of connections with Philadelphia's Bruno family. He had been connected with them from an early age. He was related to Blinky Palermo and had been very aggressive and good with his fists. So he was involved in

Very few criminal defendants of any substance want you to learn on their case.

illegal prize fights that bet on these kids to see who could knock the other kid out and he grew up in that kind of atmosphere. He went into the service and became a fighter, went to Korea where he had been shot, and had shot a lot of people, as a soldier. He had been a bank robber and spent a lot of time in jail. His last stretch, he spent time with Jimmy Hoffa and they became close friends. He would be called upon to persuade people, he was used as a bodyguard and he had a reputation as being very ferocious and fearless. So people felt that if Allen was with you it was a measure of your importance, but if you wanted to start a fight with him you would have to kill him. He was an arsonist, manufactured meth, and was generally involved in the life of organized crime. His associations were at the top. After talking to him about it, you learn everything you ever heard was true: the family structure, the general organization and existence of organized crime.

Q. So when he was flipped by Agent Handy of the FBI for running the meth lab, the Strike Force needed an attorney for him who was so good that no one could ever say that Charlie Allen was given a raw deal or that the deal you would cook for him could not go sour for him?

A. That's not quite true and I don't mean to challenge what you say, but let me explain how it developed. He had an attorney in New Jersey when he flipped and at the time he signed the standard FBI warning & waived even advising his New Jersey attorney of what he was doing. So no one knew what was happening. Allen began to cooperate with the government by going to different meetings wearing recording devices. If he was found with these devices, he would never come out. He was being debriefed extensively by agents and as he was talking, the agents started to get the feeling that there was a lot more information they had not uncovered which might relate to homicide. They felt as a matter of fairness that he have the ability to consult with someone before he disclosed a confession of murder. They knew they were going to have to prosecute him. Allen was cooperating on the basis that what he was saying was not going to get him into further trouble. I had taken a day off and Joel Friedman called me at my home and asked to see me at the house. He and an agent wanted to confide in me. They trusted me since it had

been only a short time ago I left the government and I knew them. They knew I wouldn't blab to South Philadelphia or Bruno. They asked me to negotiate a deal and give him counsel.

Q. The deal that you struck —

A. The deal was in two stages. Negotiating a plea agreement which took weeks having to meet with the Strike Force in Washington, D.C.

Q. What did they want? How much time did they want Charlie to serve?

A. They didn't say what they wanted him to serve. They wanted a plea agreement with a ceiling — with a cap and they wanted one count under the RICO statute and they wanted the maximum of 20 years cap. The judge could set anything under it. Given his age, and risking his life every day, and what he would accept, 20 years was not in the ball park. So we discussed that. We ultimately arrived at seven years as a cap.

Q. What you got was seven years probation. No time was served.

A. The maximum probation is five years. That was years later. We made a deal in 1978, early '79, and he wasn't sentenced until last March.

Q. The stories that he doesn't know truth from fiction and wild stories about assassinating Frank Fitzsimmons had Jimmy Hoffa lived aren't fabrications? They are true?

A. No agent that I have dealt with has ever suggested that he was lying about anything. I know about the Fitzsimmons story, and I think his story is that the contract went out but Provensano was told that Hoffa disappeared. I think Hoffa ordered the contract. Certainly we can't go to Hoffa to check that story.

He was an arsonist, manufactured meth, and was generally involved in organized crime.

Q. Did he tell you where Jimmy Hoffa is?

A. Yes he did. He made some suggestion that he was off the coast of Florida with the body dismembered, or something like that, to easily decompose in sea water. You can only go on what you feel. I have been around some people that I have prosecuted and they scared the hell out of me.

I prosecuted a bank robber who had shot some people and I looked at him and got cold all over because you knew that he would kill you if someone put a gun in his hand. Society didn't exist for this fellow. I was fascinated by him. He reminded me of a Camus novel and I told him I would bring it in for him (and that means you are going to do it). I bought the book, *The Stranger*, and he wrote me a thank you. He had nothing — no family, and he was frightening.

Allen had a family structure and love and he didn't scare me. You could communicate with him. You just know when looking into

(Continued on page 7)

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STUDENT FORUM

Is Death Too Good For Roger Buehl?



Generally, there are two reservations about the death penalty that immediately come to my mind: (1) the problem of mistaken identity, and (2) the more probing issue of whether our government should sanction the death of a convicted felon. Specifically, I believe that life imprisonment without any chance of parole would be the proper punishment for Roger Buehl.

Andrew S. Zeldin 3L



"Capital punishment is abhorrent to me but I also recognize that there are problems inherent in incarcerating people for life. Neither approach solves the problem for rights the wrong done. A special danger with capital punishment is that it may appear to be a simple way of dealing with complex problems and inconvenient people."

Katherine Husenan



"I'm all for it, in certain cases of particular heinous crime where the individual is clearly beyond rehabilitation and the alternative is that he spend the rest of his life in prison."

Susan Huntington



"The cold blooded and heinous nature of the crimes committed by Roger Buehl warrant his execution."

Michael F. Barrett

Undercofler Continued

(Continued from page 6)

someone's eyes like the bank robber that he was not from this world. I have dealt with crazy people and Allen was together.

Q. Are you pleased with the way his case came out and, if not, what would you change if you could?

A. The only thing I would like to see changed is that he was a bit more successful as witness. I am not upset with the ultimate deal he got. I guess I have to go with my training as an assistant. If the agents are satisfied, then you are satisfied because if you can satisfy that audience you must have done a good job. The agents were happy that he got probation.

I do believe that you have to get the message out. Look seven years after everything he admitted: killing Bobby Marrone, shooting someone in Delaware, shooting someone in Korean wartime out on the coast, burning buildings. How does seven years begin to equate with what he admitted to doing? You really are into abstractions now. The fact of the matter is you have to do that once in a while. He is under witness protection and is not just walking on the street. Charles Allen can't be seen. If he shows up he is dead. He is aware of it and as a result he doesn't sleep well.

Q. There are tradeoffs. We presume that he lives comfortably, doesn't pay taxes, and has a certain degree of freedom within the protection program to think about where he wants to live and where he wants to go. He is taken care of better than a lot of law students who just have loan programs to handle.

A. Let me talk about the protection program as an abstraction. The marshalls take you some place and they get you a new name and you go to work. You are back in the community, you pay taxes and you exist. The only difference is you have one or two contacts, and they are there when you get in trouble or if there is any threat to your life, and also they watch over and check on you. It's better than going to jail. It makes sense. My job was to represent Charles Allen. In the system he is entitled to an advocate and I got him what he wanted. He didn't want to go to jail. The result was great for him and I'm proud of my lawyering skills. As a human being I'm

not troubled by it; indeed I wouldn't have gotten that result if I couldn't call FBI agents one after the other on his behalf.

Q. It still was a better deal than anyone ever expected Charles Allen could make. It, indeed, is an incredible deal for someone who has led an entire life of crime. Since Allen is in his 40's or 50's, we are talking about a half century of crime.

A. Let me make a distinction on the question of deal. The sentence he received was not something that the government and I agreed upon. The court imposed, after hearing a presentation, the appropriate sentence. By the time that Allen came to sentencing, he had testified on an incredible number of occasions. He was in the

It, indeed, is an incredible deal for someone who has led an entire life of crime.

witness protection program because there was clear information that there were open contracts on his life. Anyone who kills him collects a substantial amount of money, like six figures. FBI agents testified that his testimony and assistance was incredible. They all felt that a message had to be sent out to organized crime that you can get out. They felt that if he was hammered, that would be the last informant they would ever get.

How do you incarcerate the man? The risk of being killed in prison is very high. Everyone felt that he may have changed. He was very cooperative and felt that he was safe from crime.

Q. Do you feel that way, too?

A. Yes, I do. You can't be a deity and figure he won't but you go back to when he was cooperating. I had a lot of meetings with him. He was very tense in those situations because he would just be going out or coming back from a taping. He did Angelo Bruno's Christmas party with a tape on. He went into Provencano's headquarters with a tape on so they were tough times and he risked his life. But when it was over, he had a sentencing on the meth case in New Jersey. I appeared publicly and announced to

the judge that I now represented him and moved for a continuance and it was made public. He told me what a relief it was to be out from under this and what a pleasure it would be to wake up in the morning and go out and not have to beat somebody up or do something. Everything he has said since then has been one of such relief not to be a part of this.

Q. Is someone like that capable of gainful employment or of a productive life in society even in the witness protection program?

A. I can't say and for my own protection I don't want to know where he is or anything about him. I don't want to put myself or my family in any tough position. They

When he comes to the courthouse he looks well and healthy. I haven't heard of any problems.

Q. What did you learn from dealing with him? Can you describe him?

A. Well, it is hard to describe him. He's about 5'9" and a very rough looking character. I found him to be very direct, and I don't believe he ever lied to me, which is remarkable. I felt that he was very loyal. I could see what Jimmy Hoffa saw in him. He protected Hoffa in a fight once and got stabbed. If he was your friend he would really sacrifice. He has a lovely family.

Q. Someone described him as having a mental age of 10. An army report indicated

that he was not quite illiterate. You got the impression that he was an ape man who was crazy to boot.

A. He's not well educated. He dropped out of school and as a result he doesn't have an expansive vocabulary that we all have after a few years here at the law school. I have been around him enough to know that he is not crazy, he's not an ape man and he's not a mental defective. He would not score well in vocabulary and testing and the like. I don't believe anyone involved in that kind of crime would necessarily test normal. I didn't read him as a mad dog; he functions too well in society. He is a normal husband and father.

Classified

Valentines

Virginia:

Steamy words of affection.

— Rod

Professor Levin:

Roses are red, violets are too,
If we had a fee, we'd convey it to you.
— The girls in Section B

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RESUMES

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OFF THE LINKS

By Sean Abdul O'Grady

Contrary to the impression you may get from the headline this is not going to be a column about the problems of kicking a sausage addiction. Though that would be riveting, wouldn't it?

What is this that Abdul has been hearing through the authority-vine about the sports column not having any redeeming social qualities. We here on the sports staff feel that this column is a beacon of social integrity. Why, you never see us bringing up hockey brawls like the one between Edmonton and Vancouver the other night. We never printed anything about Boom Boom Blood Clot Mancini. And far would it ever be for us to mention the incident between Maurice Lucas of the Phoenix Suns and Lonnie Shelton of the Seattle Supersonics. After all the sports column only brings you the finest in good, clean, wholesome (the list could go on forever) sports entertainment. Our motto has always been: ALL THE NEWS THAT FITS WE PRINT. By the way, there is more on Lonnie and Maurice to come.

Since it has always been Abdul's policy to take cheap shots at the easiest and most vulnerable targets, we will start with the Super Bowl. How much more sap can we take from "Hollywood" Joe Thiesmann? Camera commercials. United Way ads. Anti-drug commercials. Children's Hospital commercials. His own daily morning radio show. TV sports broadcaster. And now he has been voted NFL MAN OF THE YEAR. I fear the deluge has just begun. It is time to get out the hip waders.

One of the last remaining expressions of the Nixon legacy was also visible at the Super Bowl. As a matter of fact it has been at every major televised (let me stress that) TELEVISED sporting event of the past two years. It is the insipid phone call from the President. Riggonomics, huh. Judging from my wallet it might be a nice change. Doesn't he have anything better to do? Abdul has to wonder what the networks would do if Tip O'Niell called and demanded equal time.

In a year when football showed the fans exactly how it felt about them one source has stood up and told football exactly what it thinks of football's antics. The Sporting saying, "We don't do book reviews after reading half the chapters." Even though it is a standard in excess of my own, TSN must be admired. Abdul has opened a place in his heart of hearts for them. Besides, they are the only publication to have enough sense to rank the Villanova Wildcats number five in the country. (Excuse this segue)

Here at VLS our law school basketball team has gotten off to another good start in the Philadelphia Professional School League. Their record is 3-0 on the strength of big wins over Penn Dental School and Philadelphia College of Medicine. The scoring burden has been well distributed in the first three games. That factor is usually the sign of a well balanced team with good discipline. Hopefully this will be the year that they bring home the bacon in the form of a city professional league championship.

There is a very large and deep squad this year as Joe Betley and Joe Oberlise have been joined by a promising crew of 11s. Mike Curly credits the influx to the extensive recruiting program, but the sports staff has found out the real dope. Our informant prefers to be identified only as Joe Mama. He has told Abdul about the real reasons why he came to Villanova. In a soon to be published expose entitled **An Unofficial History of VLS B'ball** Abdul will detail the sex drugs, money and cars that brought this Bronxian to the big V.

Everyone has noticed the foul odors that permeate the hallways. It is the unmistakable harbinger of the school intramural basketball season. The competition so far has been hot and heavy as the SBA's parity plan has begun to show its effect. It is too early for the sports column to predict a winner.

TEAM	W	L	Pct	GB
Joe Mama's	3	0	1.000	—
Dead Dogs	2	0	1.000	½
Donegalers	2	0	1.000	½
Mojos II	2	1	.667	1
Self Defense	3	2	.600	1
Cunning Linguists	1	1	.500	2½
Model Penals	1	1	.500	2½
Finest Kind	1	2	.333	3
Eadapus Rex	1	3	.250	3½
Kelly's Heros	1	3	.250	3½
Mild Cats	1	3	.250	3½
Negligents	1	3	.250	3½

John Thompson, coach of the Georgetown Hoyas, thinks that the refs in the Big East don't protect Patrick Ewing. He claims that they allow everyone in the conference to use Patrick as a blocking sled and ladder. If the Ewing problem is not rectified Thompson claims he will advise Patrick to go professional next year. Abdul can guarantee that Thompson will get his wish and the refs will start to protect. The situation must scare the commissioners of the Big East to death. Ewing is the one player who will undoubtedly bring the conference the national exposure they so desperately crave. If the hype as Ewing matures matches the publicity that has followed Ralph Sampson it will fill the conference TV coffers to the hilt. Dave Gavitt, Commissioner of the Big East, is most assuredly nobody's fool and the refs know who signs their paychecks. Abdul only has one bit of advice for Patrick Ewing; Don't look over your shoulder because EZ Ed Pinckney is about to reject your stuff again. The echo of SWAT still rings pleasantly in Abdul's ears from the Palestra.

To dispel some rumors, that was not Abdul leading the riot at the Villanova train station on the evening of the Georgetown game at the Palestra. It seems that SEPTA had forgotten to run the trains that were to take the students to the game. As an Amtrak train came around the bend a few students tried to get in the way to stop and scattered the students. If it did anything, it picked up speed. The angry students pelted the passing coaches with rocks. Sometime after that a SEPTA train did manage to find its way by and brought the students downtown for free.

This year CBS only contracted to show two NBA games during the entire season. This is a sad statement on the things that happen when you over-expand your playoffs. The NFL and Major League Baseball should take it to heart. Happily, CBS did show an extra game during the NFL strike. Every team in the NBA has one express desire; that the Washington Bullets do not make the playoffs. After a three, five or seven game series the Bullets would grind any opposing team's guards into hamburger. No team has the depth to withstand the Beef Brother's pick assault. Even if you win the series with the Bullets you are going to be hesitating every time you turn the corner or throw on a full court press.

This coming year there will be something new in professional baseball. The AAA minor leagues are going to get together in Louisville (where they broke all minor league attendance records last year) and play a championship tournament. Also, as one of his last official acts, Bowie Kuhn has allowed the commissioner of Japanese baseball to negotiate with next year's World Series champion for a game, or series of games that would truly be the World Series. And I don't want to hear anything from you fans of Cuban baseball. Abdul has got dem mid-winter, when's training camp gonna start, lack-o-baseball blues agin, mama.

The world of professional hockey is about to witness an extraordinary feat which could even eclipse the Great Gretsky. Of course I'm speaking of the possibility that the Washington Capitals will win thirty games this year. That would be a first for the franchise and might give them a shot at their first ever playoff berth. Most amazing about this is that the Caps were almost broken up over the summer. Owner Abe Pollin told the community that he was going to have to sell the team because of the dwindling crowds at the Capital Centre. Pollin demanded that the first twelve games be sold out before he would guarantee not to move or sell the team. The D.C. area came through and now the Caps are having their most productive season to date.



SBA Volleyball Tournament

As did the rest of the sporting world, the sports column mourns the passing of Paul "Bear" Bryant. He had a hard nosed style, with a cocked hat, that was all his own. He exuded the "beat me if you can" all American attitude that would impress even Horatio Alger. But, his record of college game victories is not long to stand. At Grambling there is a black head coach named Eddie Robinson who everyone seems to forget in the face of the Bear. Robinson is only a few seasons behind the Bear in total games won and is at least twenty years younger. We hope recognition shows up where it is due.

University of Kansas law Professor Raymond Goetz is in an interesting position. He is going to decide whether baseball players like Steve Garvey, Pete Rose, Rod Carew and others who have "guaranteed contracts" will get paid for the period during which the players were on strike. The players were represented in hearings by Marvin Miller and the owners by Ray Grebey, the same twosome who did so well together last time. The clubs paid the salaries under protest and Professor Goetz will decide whether their contracts allow the players to keep the money. His decision, which I'm not surprised to say will take several months, will involve millions of dollars.

In Wisconsin a 17-year-old high school student who quit his football team last year has filed a \$125,000 libel suit after he found his picture in a weekly newspaper with the caption "quitter." The newspaper published a team picture and instead of putting his name in it they labeled him "quitter." The publisher of the Waterford Post, Roger Imes, said that he was born and raised in Wales and that he mistakenly thought that the word "quitter" referred to a position on an American football team. Abdul has to wonder how they are going to make that fit under the **New York Times v Sullivan** definition of malice.

More legal problems in sports are arising in Montreal where the fleet footed base stealer Tim Raines has admitted to a cocaine addiction problem. Along with countless others Raines is now seeking rehabilitation through a clinic and therapy.

Raines has told the Expos management that he was snorting the cocaine in the locker room between innings. Abdul only wants to know how come his stolen base total was almost half of what it was the previous strike-shortened year. I also wonder whether he deserves an asterisk on his baseball card?

Now for all you who have been waiting to find out just what exactly did happen between Lonnie Shelton and Maurice Lucas, we will let it fly. In the Seattle-Phoenix game on January 13 Lucas reached down behind Shelton and pulled his shorts down to the point that his ample tush was exposed to the crowd. Shelton went after Lucas and the ref had to intercede. After the game Lucas said, "In high school we used to call that a Murphy. He exposed something private of me to all those people and the TV. I'm going to have to work on my Murphy for the next game." Watch this spot for further deTAILS, sports fans.

KEY NOTES: Gilbert Perault of the Buffalo Sabres was asked to name the three most important aspects of hockey; "fore-check, backcheck, and paycheck," he responded . . . Tex Cobb was asked by Johnny Carson to describe his fight with heavyweight champion Larry Holmes, "It seemed as though we were playing a sophisticated game of tag and I was IT for the last twenty-five minutes . . . NBC sportscaster Bob Trumpy on Miami safety Lyle Blackwood. "The abuse he put his body through the rest of the week made most people wonder how he ever played on Sundays. He would come in, and you could literally take blood from his eyes and give it to somebody else." . . . Athletes In Action basketball team has disbanded due to lack of support from their parent agency The Campus Crusade for Christ . . . Drew Pearson on the retirement of Dick Vermiel, "The person in Philadelphia who should be most upset is Louie Giamona. He only had that job because Vermiel was his Uncle." Drew couldn't have been more right . . .

ON THE DOCKET

Tuesday, February 15

3:00 p.m. — Draft Legislation, Rm. 29

Thursday, February 17

7:00 p.m. — Finals in Interviewing and Counseling Competition

Tuesday, March 8

7:00 p.m. — Reimel Moot Court semi-finals

Tuesday, March 15

3:00 p.m. — Faculty Meeting

Friday, March 18

School Show

Saturday, March 19

Law Review Symposium

Tuesday, March 22

7:00 p.m. — Symposium — The Press & the Law, Rm. 29

Wednesday, April 6

4:00 p.m. — Law Day — City Hall

Saturday, April 9

3:00 p.m. — Reimel Moot Court finals

Friday, April 15

5:00 p.m. and 6:00 p.m. — Reception and Giannella Lecture
7:30 p.m. and 8:30 p.m. — Law Review reception and dinner

ACROSS THE TRACKS

MOVIES AT THE CONNELLY CENTER

February

13 & 14: **Sisters, of the Balance of Happiness** — 3:30 and 7 p.m. (\$1.50)

15: **Frenzy** — 6:45 and 9 p.m. (50¢)

17 & 18: **Poltergeist** — 6:45 and 9 p.m. (\$1.50)

20 & 21: **The Godfather** — 3:30 and 7 p.m. (\$1.50)

22: **Midnight Express** — 6:45 and 9 p.m. (50¢)

23: **Dance, Girl, Dance** — 7 p.m. (\$1.50)

March

8: **Bedtime for Bonzo** — 6:45 and 9 p.m. (50¢)

10 & 11: **Ragtime** — 6:45 and 9 p.m. (\$1.50)

OTHER EVENTS

February

9-12, 16-19: **The Lady From the Sea** by Henrik Ibsen — Vasey Theatre 8 p.m. (645-7474)

15: **Harold Cohen**: visual arts with computers — 4 p.m. Connely Center

March

15: **Chuch Anderson**: Guitar, 4 p.m. — Connely Center



You and what army?